

**Town of Amherst**  
**Zoning Board of Appeals - Special Permit**

*DECISION*

**Applicant:** Mares in Charge, LTD; dba Sycamore Stables, Gayle Keith, manager

**Date application filed with the Town Clerk:** July 28, 2005

**Nature of request:** A Special Permit to build a house under Section 9.22 of the Zoning Bylaw on a non-conforming lot due to coverage

**Address:** 50 Station Road (Map 20D, Parcel 73, R-LP/ARP, R-N/ARP, & R-O/ARP Zones)

**Legal notice:** Published on August 10 & 17, 2005 in the Daily Hampshire Gazette and sent to abutters on August 10, 2005.

**Board members:** Zina Tillona, Susan Pynchon and Joan Golowich

**Submissions:** The petitioner submitted a packet of information with the application which contained:

- An explanation of the current and future lot coverage,
- An outline of the plans to replace an existing barn with a smaller house,
- Maps of the surrounding conservation area and of the property
- Building plans for the proposed house.

Town staff submitted:

- A Conservation Covenant concerning use restrictions on the property, dated January 31, 2000
- A memo from zoning staff describing the three residential zoning districts on the property and the non-conforming lot coverage due requirements for the Aquifer Recharge Protection (ARP) overlay district
- A memo from the Fire Department stating that the final driveway configuration should be approved by the Fire Department to ensure access to the buildings.

**Site Visit:** August 30, 2005

The Board met with the manager of the stables. She pointed out the following:

- The smaller barn to be removed
- The location of the proposed house.
- The property boundaries, since it is irregular, and some of the activity of the Sycamore Stables spills over onto the surrounding conservation areas

- The driveway and parking areas that are slated to be reduced in the future

**Public Hearing:** August 25, 2005, continued to September 1, 2005

Although the hearing had been advertised for August 25<sup>th</sup>, one ZBA member could not be present for the scheduled date. The hearing was continued to September 1<sup>st</sup> as a result.

Gayle Keith, Manager of the Sycamore Stables, presented the application at the hearing.

Ms. Keith said that Sycamore Stables is proposing to remove a small barn on the property and replace it with a house so that someone could be on the premises at all times. This barn was used by the police department, but the police horse program has been eliminated. The larger barn on the property, with 24 boarding horses, will remain.

Currently there is no one on the property in the evening or at night, and problems sometimes cannot be addressed immediately, or the manager must stay in the barn overnight. For example, a horse recently had a bad cut on his shoulder from a barn door, and needed 24-hour care. One of the cats suddenly died during the evening of this hearing as well. A resident manager would be able to deal with such situations in a timelier and safer manner, the petitioner stated.

The lot under consideration was created from a larger parcel acquired by the Town in 2000 for conservation land. Originally the parcel was part of Amherst's "poor farm" in the 19<sup>th</sup> century. The lot size is approximately 2.43 acres, and the petitioner estimates that total coverage is 37% - with two barns and extensive driveways and parking areas.

Section 3.257 of the Zoning Bylaw requires that maximum lot coverage be 15% in any residential district with an APR overlay district. Hence the lot is non-conforming as to coverage. Currently the property is in three different residential districts – R-N, R-O, and R-LD. Town Meeting will be addressing a proposal in this fiscal year to change the zoning to R-O for the entire property.

The petitioner gave the following information:

- The proposed house would be 26 x 44 feet, smaller than the existing barn, 24 x 56 feet.
- The current parking area in front of the barn will be reduced and set back 10 feet. These two proposed changes will reduce the lot coverage by 560 square feet.
- The petitioner is planning to reduce the driveway and parking areas further after the house is built. Currently the driveway (unpaved) wraps around the barn. She is planning to remove the driveway to the east of the barn, and reduce the large parking area in the back of the property that is used for horse trailers, etc.
- The stables have permission to use the surrounding conservation area owned by the Town for an indoor riding arena, pasture for the horses, and pens for the goats.
- The petitioner will be meeting with the Conservation Commission on September 14,

2005; she will ask for a waiver from the Conservation Covenant in order to put vinyl siding on the proposed house. The covenant is based on a housing development covenant, and contains several restrictions not relevant to a farm property.

- The proposed house will be built on a slab, with a 5-foot crawl space. The second floor will not be finished.
- Outside lighting for the house will over the front and back entrances only.
- The property is connected to Town water and sewer.
- There will be no fertilizers or other chemicals used on the property, as outlined in Section 3.254 of the Zoning Bylaw for APR land.

The Board noted that the property will always have more than the maximum allowed 15% coverage, but that the petitioner is making the coverage less non-conforming than what presently exists.

Susan Pyncheon moved to close the evidentiary part of the hearing. Joan Golowich seconded the motion, and the vote was unanimous to close the hearing.

#### **Public Meeting:**

The Board commented on the thorough preparation of the application by Ms. Keith. The write-up, pictures and maps submitted prior to the hearing, plus the presentation at the hearing gave the Board a complete picture of the proposal.

The Board discussed that it may authorize, under Section 9.22 of the Zoning Bylaw, a change in a non-conforming use (coverage), provided that such alteration not be more detrimental to the neighborhood than the existing use. The Board found that replacing a barn with a smaller house and removing some of the driveway/parking areas will result in less impact on the surrounding area than the current conditions. The petitioner is improving the property, not making it more detrimental to the neighborhood.

#### **Findings:**

The Board finds under Section 10.38 of the Zoning Bylaw, Specific Findings required of all Special Permits, that:

10.380 & 10.381 – The proposal is suitably located in the neighborhood and compatible with other uses permitted by right, since a house in any residential zone is the norm. The proposed house will replace one of two barns on the property, and will be suitably located with other farms with houses and barns in the area.

10.382, 10.383 & 10.385 – The proposal will not constitute a nuisance due to pollution, flood, noise, lights, etc or be a hazard to abutters since a small house on a 2.43 acre lot, far back from the road and far away from the nearest residence will not be intrusive on the surrounding area. Only two outdoor lights will be put on the proposed house, and they will be over the entranceway and downcast.

10.384 – Adequate and appropriate facilities will be provided for the proper operation of the premises, since the stables will have a resident manager on site to protect the property and the horses.

10.386 – The proposal is in conformance with parking and sign regulations, since there is more than required parking on site, and there will be no change in signage for the stables.

10.387 & 10.388 - The proposal provides convenient and safe vehicular and pedestrian movement, and adequate space for loading of equipment, etc, since the lot is large, the driveway is long and wide, and there is plenty of room between the house and barn.

10.389 – The property is connected to Town water and sewer.

10.391 & 10.394 – The proposal protects the unique natural and scenic features of the area in that the proposed house is small and reduces building coverage on the lot. The reduction of driveway and parking areas will further enhance the openness of the area and further protect the aquifer recharge area. The property and surrounding area preserves the openness of the original farm and respects the historic use of this land.

10.392 – The proposal provides adequate landscaping, because the property is primarily a stable for 24 horses that require open space. The petitioner is planning to have a flower garden in front of the new house, and a vegetable garden is hoped for as well.

10.397 – The proposal provides adequate recreational facilities, open space and amenities for the proposed use, since the property is used as a stable with horses, a riding rink and open conservation space has trails for riders. A house on the property with a resident manager would provide protection of the property and the animals living there.

10.398 – The proposal is in harmony with the general purpose and intent of the Bylaw, since Amherst holds in esteem its historic and open spaces. A house on the property with a resident manager will enhance the safety and general welfare of the neighborhood.

### **Zoning Board Decision:**

Joan Golowich moved to APPROVE the application, with conditions. Susan Pychon seconded the motion.

For all of the reasons stated above, the Board VOTED unanimously to GRANT a Special Permit to Mares in Charge, LTD, dba Sycamore Stables to build a house under Section 9.22 of the Zoning Bylaw on a non-conforming lot due to coverage, at 50 Station Road, (Map 20D/Parcel73, R-LP/ARP, R-N/ARP, & R-O/ARP Zones) with conditions.

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ZINA TILLONA

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SUSAN PYNCHON

\_\_\_\_\_  
JOAN GOLOWICH

FILED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2005 at \_\_\_\_\_,  
in the office of the Amherst Town Clerk \_\_\_\_\_

TWENTY-DAY APPEAL period expires, \_\_\_\_\_ 2005.  
NOTICE OF DECISION mailed this \_\_\_\_\_ day of \_\_\_\_\_, 2005  
to the attached list of addresses by \_\_\_\_\_, for the Board.

NOTICE OF PERMIT or Variance filed this \_\_\_\_\_ day of \_\_\_\_\_, 2005,  
in the Hampshire County Registry of Deeds.

**Town of Amherst**  
**Zoning Board of Appeals**

*SPECIAL PERMIT*

The Amherst Zoning Board of Appeals hereby grants a Special Permit to Mares in Charge, LTD, dba Sycamore Stables to build a house under Section 9.22 of the Zoning Bylaw on a non-conforming lot due to coverage, at 50 Station Road, (Map 20D/Parcel73, R-LP/ARP, R-N/ARP, & R-O/ARP Zones) subject to the following conditions:

1. The house shall be built according to plans submitted to the Board and approved at a public meeting September 1, 2005.
2. Exterior lights on the proposed house shall be downward cast.
3. Sodium chloride, pesticides and other chemicals shall be restricted as stated in Section 3.254 of the Zoning Bylaw for the Aquifer Recharge Protection District.

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ZINA TILLONA, Chair  
Amherst Zoning Board of Appeals

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DATE